

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

UNITED STATES OF AMERICA,	.	CASE NO. H-16-CR-0551
	.	
PLAINTIFF,	.	
	.	
V.	.	HOUSTON, TEXAS
	.	THURSDAY, DECEMBER 22, 2016
PEGGY ANN FULFORD,	.	10:14 A.M. TO 10:18 A.M.
	.	
DEFENDANT.	.	
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COUNSEL DETERMINATION

BEFORE THE HONORABLE STEPHEN SMITH
UNITED STATES MAGISTRATE JUDGE

Trinity Transcription Services
1081 Main Street
Surgoinsville, TN 37873
281-782-0802

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Appearances:

For the Government: BELINDA BEEK, ESQ.
Assistant United States Attorney
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Houston, TX 77002

For the Defendant: MARGIE MEYERS, ESQ
Federal Public Defender
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Houston, TX 77002

Case Manager: JASON MERCHAND

Court Recorder: SUZANNE GUEVARA

Transcriber: Cheryl Battaglia
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1081 Main Street
Surgoinsville, TN 37873
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Proceedings recorded by electronic sound recording;
Transcript produced by transcription service.

1 Houston, Texas; Thursday, December 22, 2016; 10:14 a.m.

2 **THE COURT:** All right. This next case is *United*
3 *States of America versus Peggy Ann Fulford, Criminal Case H-16-*
4 *5-5-1.*

5 **MS. BEEK:** Good morning, your Honor. Belinda Beek
6 for the United States.

7 **THE COURT:** Good morning, Miss Beek.

8 **(Pause)**

9 **THE COURT:** All right. Good morning Miss Fulford.

10 **DEFENDANT FULFORD:** Good morning.

11 **THE COURT:** Now we set this matter for a Counsel
12 Determination Hearing. And my understanding is that you were
13 arrested in New Orleans and you were appointed the Federal
14 Public Defender to represent you?

15 **DEFENDANT FULFORD:** Yes, your Honor.

16 **THE COURT:** Over there?

17 **DEFENDANT FULFORD:** Yes, sir.

18 **THE COURT:** All right. All right.

19 So we'll go ahead and appoint the Federal Public
20 Defender's Office to represent you in this District in this
21 case.

22 Are we ready to proceed with the Arraignment?
23 Counsel?

24 **MS. MEYERS:** We are, your Honor.

25 **THE COURT:** All right. All right, Miss Fulford,

1 you're charged in this indictment in eight counts of wire
2 fraud, money laundering, interstate transportation of stolen
3 property.

4 Have you had enough time to review these charges
5 against you with your attorney?

6 **DEFENDANT FULFORD:** No, I have not.

7 **THE COURT:** You have not.

8 **(Voices whispering)**

9 **DEFENDANT FULFORD:** Just gone over it.

10 **THE COURT:** You've gone over it.

11 **DEFENDANT FULFORD:** Yeah.

12 **THE COURT:** Okay. That's all I'm asking that you --

13 **DEFENDANT FULFORD:** Okay. We have.

14 **THE COURT:** 'Cause I just want to make sure you're
15 ready to enter a plea.

16 **DEFENDANT FULFORD:** Yes.

17 **THE COURT:** And so that'll be my next question. Are
18 you ready to enter a plea to these charges this morning?

19 **DEFENDANT FULFORD:** Yes, your Honor.

20 **THE COURT:** All right. And does counsel agree to
21 waive a formal reading of the Indictment?

22 **MS. MEYERS:** We do, your Honor.

23 **THE COURT:** All right.

24 **MS. MEYERS:** And Miss Fulford pleads not guilty.

25 **THE COURT:** All right. Let me hear from you, Miss

1 Fulford.

2 How do you plead to the charges against you? Guilty
3 or not guilty?

4 **DEFENDANT FULFORD:** Not guilty.

5 **THE COURT:** A not guilty plea will be entered on your
6 behalf.

7 I now will go over the Scheduling Order for the trial
8 in this case.

9 **(Pause)**

10 **THE COURT:** This case is set for trial before
11 District Judge Keith Ellison on February the 6th, 2017. All
12 motions are due by January the 3rd. Responses due by January
13 the 10th. Jury questions and jury charge are to be filed by
14 January the 27th. Pretrial Conference is set for January 27th
15 at 10:30 a.m. and the Defendants is to be present at that
16 Conference. And jury selection and trial is set to commence at
17 9:00 a.m. on February the 6th.

18 Miss Beek, what does the Government estimate to be
19 the time of trial?

20 **MS. BEEK:** Three weeks, your Honor.

21 **THE COURT:** Three weeks.

22 **(Pause)**

23 **THE COURT:** All right. Then I'll need to get all
24 your signatures on this copy of the Scheduling Order.

25 **(Pause)**

1 **(Voices whispering)**

2 **THE COURT:** All right. Is there anything else in
3 this matter this morning, Miss Meyers?

4 **MS. MEYERS:** Does the Court have the Speedy Trial
5 Waiver Form that we can take with us? If not, we can find one.

6 I'm not prepared to waive --

7 **THE COURT:** I don't think so.

8 **MS. MEYERS:** -- today. But --

9 **THE COURT:** Right.

10 **MS. MEYERS:** -- based on what the Government just
11 told us about the three week trial, I sincerely doubt we'll be
12 ready by February. So --

13 **MS. BEEK:** And I will say that the discovery is
14 voluminous, your Honor.

15 **THE COURT:** Yeah. Okay. I don't have a form.

16 **MS. MEYERS:** Okay. We --

17 **THE COURT:** And --

18 **MS. MEYERS:** I think we'll find one. And we'll
19 figure it out.

20 **THE COURT:** Yeah.

21 **MS. MEYERS:** Thank you.

22 **THE COURT:** And ordinarily, at least I haven't been
23 doing these initially at this stage.

24 **MS. MEYERS:** You don't.

25 **THE COURT:** Anyway, so.

1 **MS. MEYERS:** That's fine.

2 **THE COURT:** I'm sure you can find one. All right.

3 **MS. MEYERS:** Thank you, your Honor.

4 **THE COURT:** You all may be excused. Thank you.

5 **(This proceeding was adjourned at 10:18 a.m.)**

CERTIFICATION

3 I certify that the foregoing is a correct transcript from the
4 electronic sound recording of the proceedings in the above-
5 entitled matter.

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/s/Cheryl L. Battaglia

November 19, 2018

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Date

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11 | 12/22/16 - 11/19/18